

REMARKS

This is intended to be a complete response to the Official Action mailed January 30, 2004, in which claims 1-23 were rejected. Applicants have amended claims 1, 2, 3, 14, 15, 16 and 23 herein. Claims 24-29 have been added.

First Rejection Under §102(b)

Claims 1, 2, 4-6, 8-10, 12, 14, 15, 17, 18 and 20-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Grimes (US 3,822,806; document A61 on Applicant's 1449).

Applicants respectfully traverse the rejection.

The present claims as amended indicate that the sleeves have (1) have an inner space in the flattened state; (2) a tapered shape; (3) a lower end with a single concave portion which extends from the first sidewall edge to the second sidewall edge; and (4) a lower end which is substantially closed in the lower state.

The Grimes reference teaches a bag (Fig. 10) having a lower end with one concave portion flanked by two convex portions. Grimes does not teach a sleeve having a lower end which in the flattened state has a tapered shape and has a lower end with a single concave portion which extends completely from

the first sidewall edge to the second sidewall edge without interruption by convex portions.

In view of the above, the cited reference does not teach each and every feature of the present claims and therefore does not anticipate the present claims. Applicants respectfully request reconsideration and withdrawal of the rejection under §102(b).

Second Rejection Under §102(b)

Claims 1-3, 10, 11 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Smith (US 3,924,795; document A64 on Applicant's 1449).

Applicants respectfully traverse the rejection.

Smith teach a flat blank 11 (Fig. 1) which can be folded into a cone having a lower end, portions 27 and 28 of which can then be inwardly folded (Fig. 3) to form a concave edge therein.

Smith does not teach a sleeve having an inner space in the flattened state and which has a substantially closed lower end in the flattened state. Examiner points to Col. 2, lines 62-63 of Smith as a teaching that the cone of Smith can be flattened. While cone may be flattenable, if and when the cone of Smith is flattened, i.e., "crushed", the lower end, when crushed would not be closed, but would be forced opened due to the flattening or crushing action, and would no longer have a concave edge therein when crushed.

In view of the above, the cited reference does not teach each and every feature of the present claims and therefore does not anticipate the present claims. Applicants respectfully request reconsideration and withdrawal of the rejection under §102(b).

First Rejection Under §103(a)

Claims 3 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grimes (US 3,822,806; document A61 on Applicant's 1449).

Applicants respectfully traverse the rejection for the same reasons provided in the response to the rejection under §102(b) over Grimes. Document C20 does not remedy the deficiencies of the Grimes reference.

In view of the above, applicants respectfully request reconsideration and withdrawal of the rejection under §103(a).

Second Rejection Under §103(a)

Claims 7, 13 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grimes (US 3,822,806; document A61 on Applicant's 1449).

Applicants respectfully traverse the rejection for the same reasons provided in the response to the rejection under §102(b) over Grimes.

In view of the above, applicants respectfully request reconsideration and withdrawal of the rejection under §103(a).

Third Rejection Under §103(a)

Claims 11 and 23 stand rejected under 35 U.S.C. §103(A) as being unpatentable over Grimes (US 3,822,806; document A61 on Applicant's 1449) in view of Edwards et al. (US 5,454,097; document A131 on Applicant's 1449).

Applicants respectfully traverse the rejection for the same reasons provided in the response to the rejection under §102(b) over Grimes.

The Edwards reference does not remedy the deficiencies of the Grimes reference.

In view of the above, applicants respectfully request reconsideration and withdrawal of the rejection under §103(a).

Fourth Rejection Under §103(a)

Claims 4, 5, 7-9, 14-17 and 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith (US 3,924,795; document A61 on Applicant's 1449) in view of Wagner (US 4,911,561).

Applicants respectfully traverse the rejection for the same reasons provided in the response to the rejection under §102(b) over Smith. The Wagner reference does not remedy the deficiencies of the Smith reference.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection under §103(a).

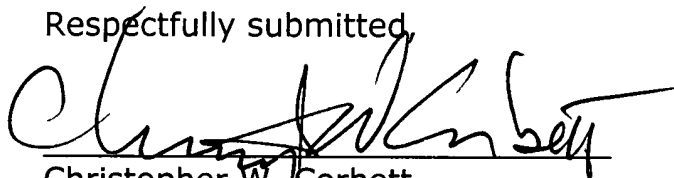
Secondary References

The secondary references identified by the examiner, including Huang, Moore et al., and Cordle have been reviewed and have been determined not to teach or render obvious the presently claimed invention.

Conclusion

In view of the above, applicants respectfully submit the claims are in a condition for allowance and respectfully request issuance of a Notice of Allowance thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher W. Corbett', is written over a horizontal line.

Christopher W. Corbett

Reg. No. 36,109

DUNLAP CODDING & ROGERS, P.C.

P.O. Box 16370

Oklahoma City, Oklahoma 73113

Telephone: 405/607-8600

Facsimile: 405/607-8686

Agent for Applicants